

REMARKS/ARGUMENTS

The drawings were objected to because the Examiner indicated that corresponding reference signs were not mentioned in the description for reference signs 23 and 26. Applicant respectfully traverses these objections. In the previously filed Amendment, reference number 23 was added at page 4 of the description, and the original description at page 6 includes reference number 26. Therefore, these objections should be withdrawn.

Claims 3 and 13 were rejected under Section 35 U.S.C. § 112. Each of the claims was further rejected under various prior art citations. Original claims 1-13 have been deleted in favor of new claims 14-19. Therefore, these rejections are moot.

Independent Claim 14 clearly distinguishes over the prior art of record. As for Hayes, Jr., Claim 14 positively recites the detachable member or plug. Hayes fails to teach or disclose any type of separate structure that cooperates with the lid to create a passageway. Rather, Hayes incorporates channels on the lid structure itself. As for Hayes and Heinz et al., both clearly fail to teach or disclose any type of relationship between a minimum volume of the passageway and an amount of liquid contained in the container. Heinz only addresses use of passageways for purposes of increasing frictional resistance in dispensing solid materials such as salt. Therefore, there can be no teaching whatsoever in Heinz as to adapting the sizes of the passages so that they

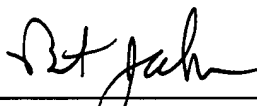
are capable of preventing spillage of liquid. As for Bachman and Boese, either alone, or in combination, Claim 14 clearly distinguishes over these references as well. As for Bachman, it is first submitted that there is no teaching or suggestion to modify Bachman so as to receive the valve or insert of Boese. Bachman achieves fluid control by use of a valve having a constrained opening based upon small slits or openings made in the valve which is disclosed as being made from a flat, silicon rubber element. The entire principle of operation of Bachman would be changed if it included a plug or detachable member that achieved spillage control by use of a helical shaped passageway. Thus, the primary reference in Bachman would have to be so completely reconstructed that it would teach away from the essential aspects of the invention originally disclosed. As for the Boese reference, among other deficiencies, it also fails to disclose any type of relationship between the volume of a channel and an amount of liquid within the container thereby preventing spillage when the cup was inverted, to include prevention of spillage even when the cup was shaken. In fact, referring to col. 4, lns. 15-19, it is the intention within Boese to actually dispense the material of the container as by shaking the container. "When it is desired to dispense the contents of the container 10, it is only necessary to shake the container up and down to force the liquid through the passageway...". Claims 15-19 depend from Claim 14 and are also allowable.

*Application No. 10/049,701*

Applicant has made a sincere effort to place this application in a condition for allowance; therefore, such favorable action is earnestly solicited. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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